

**REGULAR MEETING OF THE JASPER COUNTY BOARD OF COMMISSIONERS**  
**March 7, 2016**

The Jasper County Board of Commissioners met this date at 8:15 A.M. in the Commissioners' Room, Suite 202, of the Jasper County Courthouse located at 115 West Washington Street, Rensselaer, Indiana, with the following members present: Kendell Culp, Richard E. Maxwell and James A. Walstra. Also present was Deputy Auditor, Donna J. Horner; Highway Engineer/Supervisor, Jack R. Haberlin and the Attorney who represents the Commissioners, Eric Beaver. The meeting was called to order and those present stood and recited the Pledge of Allegiance led by Mr. John Amsler, a United States Veteran.

PAYROLL CLAIM & ALLOWANCE DOCKETS: Mr. Maxwell made the motion to approve the Payroll Claim & Allowance Dockets for the check dates equal to February 12, 2016 and February 29, 2016. Mr. Walstra seconded and the motion carried.

MINUTES: Mr. Walstra made the motion to approve the Minutes of the Regular Meeting held on February 8, 2016 and the Executive Session held on February 8, 2016. Mr. Maxwell seconded and the motion carried.

BURIED CABLE: Mr. Walstra made the motion to approve the following buried cable permits submitted by Centurylink and Nitco. Mr. Maxwell seconded and the motion carried.

CENTURYLINK:

ACT #60330136 For the purpose of placing new buried service wire in Wheatfield Township. There is no tile in the area. (Permit No. 714)

ACT #201492 For the purpose of supplementing existing exhausted buried copper cable in Kankakee Township. There is no tile in the area. (Permit No. 715)

NITCO:

ACT #16007 For the purpose of cutting into driveway or use county road right-of-way at 1100 N in Keener Township. There is no tile in the area. (Permit No. 716)

ORDINANCE CODIFICATION: Joe McDonough, American Legal Publishing, presented and reviewed a proposal for Jasper County's ordinance codification project. American Legal Publishing is headquartered in Cincinnati, Ohio; however, they do ordinance codification all over the country. In Indiana, they do over 250 municipalities and counties all over the state. Over half of the counties in Indiana utilize our services. Mr. McDonough explained that they would review and codify all of the Jasper County's ordinances to create an accessible Code of Ordinances and current body of law for the County. American Legal will also offer research to reflect updating ordinances to bring them into conformity with local operations, preferences, practices, and Indiana state law. The County will receive 25 complete copies of the Code of Ordinances and will have the option of also receiving the new Code on a CD in Folio Views search and retrieval software, as well as the option of having American Legal host the Jasper County Code of Ordinances in its online library on the Internet with a link to and from the County's web site. The cost of the service including all of the research and creating the book the first time is \$8,400.00. Attorney Beaver stated that we are obviously going to be having new laws going forward. Could you explain how we would update both print and also online? Mr. McDonough explained that when it has been a year since your last update, we would contact the Auditor's office for any new ordinances. The new ordinances would then be reviewed and an estimate to update would then be provided. Typically, for a county this size, the cost would range from \$750.00 to \$1,000.00 for the update to keep it current. The ordinances can also be posted online in between updates. If at any time the County would decide to discontinue the service, American Publishing would deliver the files back to the County. Mr. Culp asked what the timeline would be for getting the County updated? Mr. McDonough replied that per the contract, they would have a maximum of four (4) months upon receipt of the material to provide the County with a draft.

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ORDINANCE CODIFICATION CON'T: One of the things we also do is to review all of your fees, fines and penalties. Attorney Beaver stated that he does not know that we would actually have a need for the 25 printed copies that are included within the proposal. Mr. McDonough replied that if you wanted fewer copies, we could reduce the printing cost as well as the cost of the extra binders. Attorney Beaver stated that he has received another proposal from a company based out of Seattle. The Commissioners will be receiving copies for review. My thought is that we could have a discussion at the April meeting and then make a decision at that point.

CONTROLS PROJECT / COURTHOUSE: Tom Alstott and Dave Steffel, EMCOR, were present to give an update on the current controls project taking place within the Courthouse. Mr. Steffel reported that 95% of all of the cabling wire will be in place by tonight. We will begin to change over the hot water valves tomorrow. It looks to me like the installation will take approximately another three (3) weeks at which point we will be done. This includes all of the graphics, software, and wiring. Mr. Alstott stated that the county will receive the final invoice in 2-3 weeks. As you remember, this is an open book project and so, at that point, we will be looking to see where our costs are at that time. If it looks like we're not going to meet that guaranteed maximum price, we may see that there is some actual savings on the job. If that's the case, the savings will be returned back to the customer either in the form of additional scope or a check. At the very end of the job, Mr. Steffel will make sure that Bud Justice and Harry Carney, Maintenance, are trained on the use of the new controls. Mr. Steffel stated that on-site access is available to the controls so if there are any issues, give us a call immediately and we will take care of it. Mr. Maxwell asked if Bill Batley, IT, would be able to access the controls? Mr. Steffel replied that access can be given to anyone that is given permission. Mr. Maxwell replied that he would like Bill Batley, IT, to have access to the controls.

CONTINUED EDUCATION TRAINING / VETERAN'S OFFICE: Patrick Donnelly, VSO, would like permission to attend the annual County Veteran Service Officer (CVSO) training from May 16-19 at the Atterbury Conference Center in Edinburgh. Annual training and certification is required of all CVSOs. The only cost would be lodging and meals. The county car will be used. Mr. Walstra made the motion to approve the request. Mr. Maxwell seconded and the motion carried.

COMMUNITY CORRECTIONS / TRAINING REQUEST: William Wakeland, Director, has requested permission for Halleck Tanner, Correctional Officer, and Sherri Rotkovich, Case Manager, to attend a one day training entitled "Presentation Skills" at the New Castle Training Center. Mr. Tanner is a certified trainer and instructs the staff in Handle with Care, OC Spray, and Handcuffing. Ms. Rotkovich is certified to teach "Thinking for a Change" to the clients. Mr. Wakeland feels that this training will help them develop the skills needed to become better instructors. The cost of the training, hotel, and meals will be paid out of Project Income. Mr. Maxwell made the motion to approve the request. Mr. Walstra seconded and the motion carried.

CLERK / ANNUAL CONFERENCE: Vickie Bozell, Clerk, has requested permission for herself and one deputy to attend the 2016 Annual Clerk's Conference in Carmel on June 6-9. The costs incurred will be registration fees, lodging and meals. The county vehicle will be used. Mr. Walstra made the motion to approve the request. Mr. Maxwell seconded and the motion carried.

TREASURER / ANNUAL CONFERENCE: Carla Anderson, Treasurer, has requested permission for Tammy McEwan and Kim Mathew to attend the Treasurer's Association Annual Conference to be held August 3, 4, & 5<sup>th</sup> in Clarksville. Costs include a registration fee of \$150.00 per person as well as lodging. Mr. Maxwell made the motion to approve the request. Mr. Walstra seconded and the motion carried.

AIC DISTRICT MEETING: The Association of Indiana Counties will be holding its District Meeting on Tuesday, April 12 in Plymouth. Beth Warren, Recorder; Vickie Bozell, Clerk; and Kimberly Grow, Auditor would like permission to attend. The cost of registration will be \$30.00 per person. The county car will be used. Mr. Walstra made the motion to approve. Mr. Maxwell seconded and the motion carried.

RECORDER / CONFERENCE: Beth Warren, Recorder, would like permission for herself and her deputy to attend Recorder's Conference on April 26-28 in Indianapolis. Costs include a registration fee of \$225.00 and hotel lodging for three (3) nights. Mr. Maxwell made the motion to approve. Mr. Walstra seconded and the motion carried.

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BUSINESS CONSULTANT AGREEMENT / GUTS: Attorney Beaver has reviewed and reported that there are no changes from the previous agreement. Per the agreement, the consultant will be paid \$8,200.00 per billing year. Mr. Walstra made the motion to approve the Business Consultant Agreement for Print, Mail and Lockbox Services with Government Utilities Technology Services (GUTS). Mr. Maxwell seconded and the motion carried.

LAWN CARE: A quote was received from Jim's Lawn Care (Jim Woodke) in the amount of \$140.00 per mow to continue lawn care at the jail. Services include cutting grass, trimming and spraying unwanted weeds. Also received was a quote from Colleen Culp in the amount of \$40.00 per mow to continue lawn care at the Surveyor's Annex. Mr. Maxwell made the motion to accept both quotes as submitted. Mr. Walstra seconded and the motion carried.

REZONE / KEENER TOWNSHIP (FLORENCE): A request was made to change the zoning classification of real estate in Keener Township from the **A2 General Agriculture District** to the **R2 Medium Density Single-Family Residential District**. Mary Scheurich, Director / Planning & Development, stated that the purpose of the request is because the granddaughter would like to build a home close to the grandparents allowing her to take care of them since they have some health care issues. There was no opposition. The Plan Commission did approve. Mr. Walstra made the motion to approve **Ordinance No. 3-7-2016A**. Mr. Maxwell seconded and the motion carried.

AMENDMENT / JASPER COUNTY UNIFIED DEVELOPMENT ORDINANCE: Mary Scheurich, Director / Planning & Development, stated that the amendments that we are making to the UDO are in a sense fixes to things that have become an issue and that were written for a much larger metropolitan area versus Jasper County. We made a lot of changes to wireless, all of which were state mandated. Mr. Culp asked if there were more changes to the last draft? Ms. Scheurich replied that there were a few. One in particular was regarding wind turbines. We always had a four (4) mile area from the Jasper Pulaski Fish and Wildlife Preserve (JP) and it was suggested that maybe that area needed to be larger because the cranes seem to be hanging around a lot more and coming further south. Through discussions, we talked about making it an eight (8) mile area; however, then you have the difficulty of trying to draw a radius. Bryan Overstreet, Extension Educator, suggested that maybe we go 400N and 400W with the corner being the protected area in regards to JP. Mr. Culp stated that, in accordance to our current regulations, we have contracts being signed. I am guessing that if we adopt the amendment, we would have some that would be out of compliance. Attorney Beaver stated that usually if you are a private party, you're contract is susceptible to changes in the law. The question would be whether any non-conforming use could be grandfathered in. I don't think that the signing of a contract would be sufficient to establish the non-conforming use so now would be the time to make the decision before any substantial investments are made. Mr. Culp stated that he is fine with the north and south boundaries; however, he feels that the west boundary is going too far. Mr. Culp stated that he is fine with moving ahead with the rest of the amendments; however, he would like 30 days to physically drive the area. Upon request from Mr. Culp, Ms. Scheurich will provide a floodplain map showing where those types of structures would not be allowed. Mr. Maxwell made the motion to approve Draft #3 of the Unified Development Ordinance with the exception of page Section 3.17 (I) (2) (e). Mr. Walstra seconded and the motion carried.

BICENTENNIAL UPDATE: Sheila Schroeder reported that the Tourism Commission has funded the purchase of a bison. The decision will eventually need to be made in regards to where the bison will be placed. A decision has not been made yet on whether or not a base will be purchased. The bison is made of fiberglass, stands 5' tall and weighs approximately 100 pounds. Several counties have plans to have the bison trail along with the torch relay. Karen Wilson reported that the committee to select the torch bearers will meet on March 29 at 6:30 p.m. Approximately 35 applications have been received.

SEVERE WEATHER PREPAREDNESS: Ms. Wilson reported that a public outreach with the National Weather Service will be held at the Rensselaer public library at 3:00 p.m. on Thursday, March 10. A presentation on severe weather preparedness will be given. At 6:30 p.m. on that same evening, a presentation will be given at the Sheriff's department regarding severe weather preparedness as well as storm spotter training. A drill will be held between 9:00 a.m. and 9:30 a.m. on Thursday, March 24 for the courthouse and all of the annexes. An email will be sent out to all department heads prior to that day.

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LEPC / TABLETOP EXERCISE: Ms. Wilson also reported that the LEPC group is working on a tabletop exercise that will be conducted on April 7 from 5:00 p.m. – 9:00 p.m. There are approximately 20 participants involved as of today.

CONCERNED CITIZEN / MARKLAND: Hans Markland, concerned citizen, presented a request referencing Jasper County Superior Court Cause No. 37D01-1107-PL-0622 regarding a game shooting preserve. Mr. Markland stated that the Judge said that the BZA was wrong and I am requesting that you enforce that court order and close the shooting preserve down.

Mr. Markland also stated that Jasper County Government collects and stores citizens' social security numbers. What is the legal basis for this procedure? Mr. Culp asked which department collects those? Mr. Markland replied, "The Sheriff's Department". Mr. Markland stated that he also wants to know what steps and procedures are being used to safeguard these social security numbers you have collected? A public access request form regarding this information was submitted to the Commissioners. Mr. Culp stated that he would speak with the Sheriff.

FROST LAW CONCERN / OMNI FORGE: The plant manager from Omni Forge was present in regards to some questions regarding the frost law. Omni Forge is located approximately ½ to ¾ of a mile south of the sign at the very edge of Remington. If the law is enforced for this short distance, it will do horrific damage to our company. We have eight (8) to ten (10) fully loaded semis in and out every day. Mr. Culp asked if, as a business, you would be willing to sign a document that would allow you to use the roads; however, if they are damaged, you would be willing to pay to fix them or at least purchase a bond? The representative replied that they would be willing to work with it. We understand the purpose of the law and we do agree with it. Mr. Culp stated that one thing that we said in the beginning is that we do not want to diminish the economic progress of the county. We do have several businesses that are located in the rural areas off of county roads and so we do need to address those.

CLAIMS: Mr. Walstra made the motion to approve the claims as presented. Mr. Maxwell seconded and the motion carried.

PROPERTY INSURANCE / ADDITION OF STORAGE BUILDING: Mr. Maxwell made the motion to add the new storage building located within the county parking lot onto the property policy. Mr. Walstra seconded and the motion carried.

DUMPSTERS / COUNTY: Mr. Haberlin reported that we did hear back from Republic Services in regards to the dumpsters and they did lower their prices quite considerably. Mr. Haberlin stated that the City of Rensselaer is upset that there has been so much trash in the recycling trailer that is coming from Remington. Mr. Maxwell stated that the Town of Remington has been made aware that the recycling service will not continue if they don't get someone to take care of it.

HIGHWAY / UPDATE: Mr. Haberlin stated that Reith & Reilly will be doing a lot of work locally and they are going to bring us concrete grindings at no charge. They can also bring us some RAP (recycled asphalt product) at \$110.00 per truckload. After some discussion, it was decided that Mr. Haberlin will request that the cost per truckload be lowered.

DEPARTMENT OF JUSTICE / FEDERAL AUDIT: Attorney Beaver stated that since the last meeting, I spent an entire morning with the Auditor's office going over the county's accounts and finding out what they do and where they come from. I have also been reviewing a whole array of statutes that would be included in procedures that I am drafting. As part of the new state law, we are required to have these procedures and risk assessment. Once more information is obtained regarding these accounts; Attorney Beaver will sit down with the various department heads that are more familiar with how these accounts work. Currently, the Department of Justice has given me an extension to April 15 to have a response. The response to the audit requires the procedures to be implemented.

HAZMAT MUTUAL AID AGREEMENT: In regards to the HazMat mutual aid agreement, Attorney Beaver stated that he attended a meeting of several of the local emergency management first responders. Larry Hamby from the State Fire Marshall's office was also present. Attorney Beaver stated that he has reviewed the new statute and from his view point of not having any idea as to emergency management and emergency response of how HazMat works, he felt that

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the statute might work by itself and cover everything eliminating the need for separate mutual aid agreements. Upon posing the question to Mr. Hamby, he responded with a pretty long paragraph as to why we need to have agreements and a lot of what he had in the paragraph I didn't really understand and so it will be a bigger project than what I had initially expected.

NIPSCO / ROAD RELOCATION: In regards to the NIPSCO county road project, Attorney Beaver stated that he has been in correspondence with their attorney. They had provided to me a draft agreement that would follow what we already had before which was the ordinance that approved their request to basically move the county road. Their attorney has also sent a similar agreement they have with White County from a couple of years ago. Attorney Beaver stated that he believes that we will be able to reach an agreement once he returns his suggested revisions. NIPSCO's attorney did relay a concern that they have not had a whole lot of responsiveness from the surveyor that was designated by the county. Mr. Culp replied that he thinks that the surveyor has gotten in touch and his field work is complete.

FROST LAW / DISCUSSION: Attorney Beaver stated that he did not have the code in front of him but he believes that it reads "that nobody shall drive an overweight vehicle without the approval of the county highway superintendent". Both Mr. Maxwell and Mr. Haberlin expressed concern that this would not work. Mr. Culp stated that some counties will give out a permit number at no charge and other counties charge to obtain a permit. Attorney Beaver stated that he thinks that as a condition of the permit, the person would be required to bond the road. The permitting cost shouldn't be as high as to become a profit center or to actually be an insurance premium itself to cover any sort of damage to the road. Within one of the county's frost law ordinances, they actually established a fund to receive their application fees and the application fees were pretty heavy. I don't know that we would want to go down that road either. It may be just as simple that we tweak the frost law, put in a permitting process where the person may ask for a permit and as a condition of that, they have to agree to bond the road. I don't know what the dollar value of that bond would be or how we would calculate that. Stace Pickering, Consolidated Insurance, stated that most of the bonds purchased by contractors are 3% of the price of the project. The bond would typically be for one year; however, you can put a continuance on them. Mr. Maxwell stated that he thinks a bond is the only option; however, I don't think that we can make them available to everybody. It should be limited to businesses that depend on daily delivery and shipping. In response to a question from Attorney Beaver, Mr. Maxwell replied that the Jasper County Highway Department would be the entity to issue the permit and the Commissioners would be the ones to approve the permit.

At this time, there was a short break.

ORDINANCE / USE OF DRONES ON COURTHOUSE LAWN: Sheriff Risner and Jennifer Rusk, Courthouse Security, were present to discuss a recent incident involving the use of a drone on the courthouse lawn. Concern was expressed in regards to possible security and safety issues. Mr. Culp asked if signage was adequate? Attorney Beaver stated that we would need an ordinance. The Commissioners have general authority over the building and this certainly creates a public safety issue that would outweigh the private interests of somebody flying a drone. Perhaps, there could be some authorization for a photography project, etc. Mr. Maxwell added that he could see a contractor wanting to use a drone to look at the roof rather than using a lift truck. Attorney Beaver will put together a draft ordinance for review.

**AFTER THE JASPER COUNTY DRAINAGE BOARD MEETING:**

FEES ESTABLISHED / CUT IN COUNTY ROAD: Mr. Maxwell made the motion to establish the following fees to cut a county road: \$2,000.00 for blacktop and \$1,000.00 for gravel. The costs of any tiles or culverts are the responsibility of the applicant. County specs and inspections will need to be followed. The County will provide the labor to replace/repair the road in that section. Mr. Walstra seconded and the motion carried.

CELL PHONE STIPEND / HIGHWAY: Mr. Maxwell made the motion to approve a cell phone stipend of \$28.00 per month for Bill Webb and Greg Fishburn, Highway Road Foremen. Mr. Walstra seconded and the motion carried.

EXECUTIVE SESSION: An executive session will be scheduled for Monday, April 4 at 10:30 a.m. to further discuss the county's health insurance plan.

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There being no further business, Mr. Walstra made the motion to continue the meeting until Monday, March 21 on an as needed basis only. Mr. Maxwell seconded and the motion carried.

JASPER COUNTY BOARD OF COMMISSIONERS:

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Kendell Culp, President

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James A. Walstra, Vice President

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Richard E. Maxwell, Member

ATTEST:

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Kimberly K. Grow, Auditor of Jasper County

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